

## MORRISON TENENBAUM

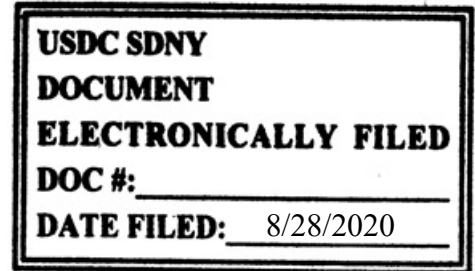
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August 27, 2020

**VIA CM/ECF**

The Honorable Stewart D. Aaron  
United States Magistrate Judge  
500 Pearl Street  
New York, NY 10007

Re: **Agapito v. Amir Ram Bagels, Inc.**  
**18-cv-08079-ALC-SDA**



Dear Judge Aaron:

Our office is counsel to the Defendants in this action. We write to respectfully request a brief extension of time to re-file Defendants' motion to refer the action to the bankruptcy court, from August 31, 2020 to September 4, 2020. If the extension is granted, we also ask that Plaintiffs receive the same extension for their motion. I also write to request clarification of the Court's order inviting the parties to re-file their respective motion to refer the action to the bankruptcy court and to sever (Dkt. No. 78).

The reason for the request is that I will be the attorney from our office filing the motion and I am current on vacation, through August 31, 2020. Plaintiffs consent to this request. This is the first request for an extension of time to re-file this motion.

We also request clarification on whether the re-filed motions must be identical verbatim to the motions the parties previously filed, or if the parties are welcome to make changes to their motion. Defendants assumed that the motions need not be identical to those previously filed, but the Plaintiffs' counsel apparently believe that the motions must be identical. Plaintiffs' counsel has indicated to me that he opposes any changes to the motions that were previously filed.

Plaintiffs' counsel and Defendants' counsel agree that if changes to the motions are permitted, we would need to set a briefing schedule, but have not agreed on one yet. If the Court advises that changes are permitted, we will confer further and submit a jointly proposed scheduling order.

We thank the Court for its attention to this matter.

Respectfully Submitted,

/s/ Joshua S. Androphy  
Joshua S. Androphy, Esq.

Cc: Counsel of record (VIA ECF)

ENDORSEMENT: Request GRANTED IN PART and DENIED IN PART. The parties' motions were deemed withdrawn. If Plaintiffs or Defendants wish to re-file motions seeking the same or similar relief, they shall do so no later than 9/4/2020, or shall seek a further extension of time by that date. The Court declines to advise the parties what should or should not be included in any re-filed motion. In addition, the parties shall meet and confer and file a joint letter regarding a proposed discovery schedule no later than 9/4/2020. SO ORDERED.

Dated: 8/28/2020

A handwritten signature in blue ink, appearing to read "Stuart J. Aaron".